

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,
COMMERCE STREET
INVESTMENT, LLC, PRU ALPHA
FIXED INCOME OPPORTUNITY
MASTER FUND I, L.P.,
PRUDENTIAL RETIREMENT
INSURANCE AND ANNUITY
COMPANY, AND PRUDENTIAL
TRUST COMPANY,

Plaintiffs,

-against-

BARCLAYS BANK PLC,
BARCLAYS CAPITAL INC., BCAP
LLC, SECURITIZED ASSET
BACKED RECEIVABLES LLC, AND
SUTTON FUNDING LLC,

Defendants.

Index No. 12-CV-05854 (WJM)(MF)
(ECF Case)

ORAL ARGUMENT REQUESTED

**NOTICE OF DEFENDANTS'
MOTION FOR LEAVE TO TAKE
JURISDICTIONAL DISCOVERY**

MOTION DAY: December 3, 2012

PLEASE TAKE NOTICE that, on Monday, December 3, 2012 at 9:00 a.m., or as soon thereafter as counsel may be heard, upon the accompanying Memorandum of Law in Support of Defendants' Motion for Leave to Take Jurisdictional Discovery and Defendants' Motion for an Enlargement of Time to Oppose Plaintiffs' Motion to Remand or, In the Alternative, to Shorten Time on Defendants' Motion for Leave to Take Jurisdictional Discovery ("Memorandum of Law"); the annexed Declaration Paul F. Rugani and the exhibits annexed thereto;

and all other prior proceedings had heretofore herein, Defendants Barclays Bank PLC, Barclays Capital Inc., BCAP LLC, Securitized Asset Backed Receivables LLC, and Sutton Funding LLC, by and through their undersigned attorneys, will move before the Honorable William J. Martini, United States District Court Judge, at the United States District Court, District of New Jersey (Newark), Martin Luther King, Jr. Federal Building and U.S. Courthouse, 50 Walnut Street, Courtroom MLK 4B, Newark, NJ, 07101, for (1) leave from the Court to serve on PRIAC the Proposed Interrogatories, Proposed Requests for the Production of Documents, and Proposed Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6) attached as Exhibits 1-3 to this notice of motion; (2) leave from the Court to serve on non-party Prudential Investment Management, Inc. ("PIM") the Proposed Subpoena for Documents and Deposition Testimony attached as Exhibit 4 to this notice of motion; (3) adoption of the schedule for the completion of such discovery and for the remaining briefing in connection with Plaintiffs' Motion to Remand set forth in Defendants' Memorandum of Law; and (4) for such other and further relief as the Court deems just.

WHEREFORE, the Defendants will respectfully request that this Court enter an order (1) permitting Defendants to serve on PRIAC the Proposed Interrogatories, Proposed Requests for the Production of Documents, and Proposed Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6) attached as Exhibits 1-3

to this notice of motion; (2) permitting Defendants to serve on PIM the Proposed Subpoena for Documents and Deposition Testimony attached as Exhibit 4 to this notice of motion; (3) adopting of the schedule for the completion of such discovery and for the remaining briefing in connection with Plaintiffs' Motion to Remand set forth in Defendants' Memorandum of Law in Support of Defendants' Motion for Leave to Take Jurisdictional Discovery; and (4) granting such further relief as this Court deems appropriate.

REQUEST FOR ORAL ARGUMENT

Defendants believe that oral argument may assist this Court in deciding the issues raised in this motion and, as a result, pursuant to Local Rule 78.1(b), respectfully request a hearing on this motion.

DATED: November 5, 2012
New York, New York

ORRICK, HERRINGTON & SUTCLIFFE LLP

*Attorneys for Defendants Barclays Bank PLC,
Barclays Capital Inc., BCAP LLC, Securitized Asset
Backed Receivables LLC, and Sutton Funding LLC.*

By: s/ Matthew S. Ingles
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